

CARRIZO OUTLOOK

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SUPREME COURT RENDERS DECISION

As to the Question of the Validity of the 61 Bills Which Were Passed by the 2nd Legislative Assembly

ATTEMPT WAS MADE TO RENDER BILLS INVALID

Following is the opinion of the supreme court handed down by Chief Justice Roberts as to the validity of the 61 bills passed at meeting of the last legislature. An effort was made to render the bills ineffective by the democratic leaders of the house who have had much to say and caused much disturbance in their attempt to have all bills passed declared unconstitutional.

In the Supreme Court of the State of New Mexico, January Term, A. D., 1915.

No. 1864.
Harry H. Kelly, Appellant, vs. Owen N. Marron, State Treasurer, Appellee.

Appeal from the District Court of Santa Fe county.

Vaught & Watson, attorneys for Appellant.

Frank W. Clancy, Attorney General, appeared for the Appellee.

SYLLABUS

1. The enrolled bill which had been signed by the Speaker and President of the respective Houses as required by Sec. 20 of Art. IV of the Constitution and approved by the Governor and deposited with the Secretary of State, as required by Constitution, Sec. 48, Art. IV is conclusive upon the courts, as to the regularity of its enactment, since the signatures of the officers are a solemn declaration by the officers of a co-ordinate department that the bill, as enrolled, was enacted and approved.

2. Each of the three departments of government is equal and co-ordinate and responsible only to the people, and the courts are not warranted in assuming that their department is the only one to which it is safe to entrust the enforcement of the provisions of the constitution regulating the enactment of statutes.

3. The court will not look beyond the properly authenticated legislative act, on file in the office of the Secretary of State, certified and signed as required by the constitution, to the journal of either house for the purpose of determining whether such act was read in full therein, after it had been enrolled and engrossed, as required by Sec. 20, Art. IV of the Constitution.

4. The case of Earnest vs. Sargent, 150 Pac. 1008, wherein the court held that it would look to the journal to ascertain whether an act had been passed over the Governor's veto, distinguished from the present case.

OPINION

Roberts, C. J.—The second legislative assembly of the State of New Mexico, by Chap. 32, Laws 1915, provided for the creation of an Armory Board of Control, and for the construction of an Armory building in the village of Carlsbad, and authorized an issue of bonds to pay for such building, and, by Chap. 40, Laws 1915, like provisions were made for an Armory building in the village of Deming, in said state. The State Treasurer, as required by such acts, was proceeding to advertise and sell such bonds when the present action was instituted in the court below to enjoin him from so doing, by the appellant, a taxpayer of the state. To the complaint, which set up the

invalidity of the acts, a demurrer was sustained. The right of the Treasurer to proceed was challenged on the ground that the said pretended Legislative Acts were not legally enacted, in that the journal of the House of Representatives does not show a compliance with Section 20 of Art. IV of the Constitution, the first sentence only of which is material, and reads as follows:

"Immediately after the passage of any bill, or resolution, it shall be enrolled and engrossed and read publicly in full in each house, and thereupon shall be signed by the presiding officer of each house in open session, and the fact of such reading and signing shall be entered on the journal."

The Acts in question were signed by the respective officers of each house, and the fact of such signing appears upon the respective journals. It does not appear from such journal, however, that the bills were read in full in each house after being enrolled and engrossed, as required by the said constitutional provision. After being signed by the respective officers of each house, the bills were presented to the Governor, by him approved and signed and deposited in the office of the secretary of state.

It is contended by the Attorney General that the court cannot look behind the properly authenticated bill in the office of the secretary of state to the journal, to see whether the constitutional mandate have been complied with by the legislature in the enactment of the laws, but that the laws, having been authenticated and promulgated by the legislative department to the public in the manner authorized by the constitution, this is conclusive evidence of their proper passage by the legislature.

At the outset of a discussion of the question, it is proper to state that there exists an irreconcilable conflict in the authorities upon the question. The cases discussing the question may be generally classified under four heads: First, those holding that the enrolled act, duly signed by the presiding officers of the two branches of the legislature and approved by the governor and lodged with the secretary of state, is conclusive, and cannot be shown to be invalid by reference to the journals; Second, those which hold that the enrolled act, thus signed, approved and deposited with the secretary of state, is not conclusive, but that the legislative journals can be examined to see whether the act has been constitutionally passed. These decisions consider the journals as in the nature of minutes or the ultimate documentary evidence of what was done by the legislature, and hold not only that an affirmative entry upon the journal, showing a violation of the constitutional methods of enacting laws, will invalidate an act, but also that the journal being the complete evidence of legislative action, silence is equivalent to negation, and the failure of the journal to show that a constitutional provision was complied with is equivalent to a statement that it was not complied with, and hence

invalidity of the acts, a demurrer was sustained. The right of the Treasurer to proceed was challenged on the ground that the said pretended Legislative Acts were not legally enacted, in that the journal of the House of Representatives does not show a compliance with Section 20 of Art. IV of the Constitution, the first sentence only of which is material, and reads as follows:

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SCHOOL WORK OF CO. IS WELL RECOGNIZED

The Display Work of Carrizozo High School at N. M. E. A. Meet at Albuquerque, is Awarded Many Ribbons

MORE ARTICLES RECEIVED RIBBONS THAN REJECTED

The big convention of the New Mexico Educational Association at Albuquerque last week was a success from every standpoint. Carrizozo was represented with its entire teaching force and the Superintendent of Lincoln County Schools. The display work of this school was especially well recognized in the awards of ribbons of merit; in fact, more articles were ribboned than rejected, although many pieces of genuine merit escaped the attention of the judges who were no doubt confused by the miscellaneous array of everything it is possible for a school boy or girl to manufacture or concoct. It is impossible to give the names of the prize-winners, but their name is legion.

Mrs. H. Clunn, Supervisor of Music, has been confined to her home this week with a severe attack of la grippe, and her physicians' instructions have made it impossible for her to discharge her regular duties. Practice has gone on in the music room, and the time will be made up as rapidly as possible when Mrs. Clunn is again able to take charge.

Mrs. E. V. Jewett and Miss Hanna Greenberg, who have had rooms at the Donaldson residence since the opening of school, have taken a suite of three rooms at the Temple House, and will continue light house-keeping there. Mr. and Mrs. Caher have moved to the Peters residence in Highland Addition.

After all due consideration it was deemed advisable to release from the obligation of her contract Mrs. Sarah H. Moore, who was offered the principalship of a three room school near her Albuquerque home, during convention week. The management seriously regrets so many changes in the Primary Department, but those who best understand conditions are best satisfied with the action taken. Immediate steps were taken to fill the vacancy thus created and Miss Claudia Beadle of Dexter, N. M. arrived on Saturday evening's mail car, and took charge of this work Monday morning. She has had six years experience in exclusive primary work and will ably fill the position.

MEASURING PARTY

The measuring party which was announced to be held at the home of Mr. and Mrs. McCurdy by the Home Mission Society some weeks ago but was "rained out" is being planned for again, and this time in faith that the weather will not so seriously interfere.

Refreshments will be served, games and music will be had and a general good time is promised to all who came.

The guests will be measured and charged according to their status. At the McCurdy home, Friday Dec. 10th at 7:30 p. m. Everybody invited.

HOME MISSION MEETING

Mrs. Stanley L. Squier was hostess to the Womens Home Mission Society Wednesday afternoon and an interesting session was held, followed by refreshments which proved a popular feature of the afternoon's business. The annual bazaar and the regular monthly sale of baked articles will be held Wednesday, December 15th, at A. C. Wingfield's meat market, the use of this excellent standard having been tendered on various occasions free of charge by Mr. Wingfield. A variety of useful and attractive articles will be offered for sale in connection with the bazaar and the usual assortment of good things to eat will be found in the stock of baked articles. The ladies solicit your generous patronage.

PALMER-WELLS

Miss Edith Wells and Clarence Palmer came down from White Oaks Wednesday and were quietly married by Rev. E. D. Lewis pastor of the Local Methodist Church. The young people were accompanied by Mrs. M. F. Wells, Mrs. Will T. Coe and Mr. H. W. McMillian and left immediately after the ceremony for the home of the bride's parents. Mr. and Mrs. Sam Wells, at White Oaks Spring where an elegant supper was served to the bride and groom, with a few friends present. The home was beautifully decorated and the flowers furnished, carried out the charming effect.

Mr. and Mrs. Palmer have resided in Lincoln County most of their lives and have a host of friends whose best wishes for their future happiness follow them.

The Outlook extends sincere congratulations and best wishes for a long and happy life.

BIRTHDAY PARTY

Miss Carrie Roberts entertained a number of her friends last Saturday evening at her home in the southwest part of town, in honor of her 16th birthday. Games and music afforded the evening's amusement, at the conclusion of which refreshments were served. The little hostess received many beautiful presents as tokens of the high esteem in which she is held by her friends. Among those present were: Lorena Haley, Vivian Thompson, Harriett Kimbell, Ruth Edmiston, Laura Dalton, Bessie White, Lesnet Anderson, Tom Chant, Sam Bethea, Pink Roberts, Gladney White, Elmer Eaker, Homer Donaldson, Ware Brazel and Geo. McGee.

ORE HAULING CONTRACT LET

William M. Barnett was a visitor to White Oaks the first of the week where he was successful in landing the contract for the hauling of the ore for the White Oaks Mines Consolidated. We understand that the trucks will be hauled to Carrizozo for shipment instead of Robson's, the siding some five or six miles north of here.

Mrs. Agie Hines of Duran has been in the city for the past several days visiting friends.

THE HORRORS OF THE GREAT WAR

"Universal Peace" Will Fail, Since Our Creation is by the Creator Whose Uniformity is the Greatest Variety

PEACE HAS HER HEROES; WAR HAS HER GRAVES

(By H. S. Hauney, of White Oaks)

Sometime ago I received a letter from a friend of mine who resides in France fighting with the French people, as an armored car driver. The car was built for deadly execution work. He further says he was ordered to drive his car at a speed of 50 miles an hour into a regiment of Germans. The car weighed four tons equipped with three maxin guns, three men besides himself and many thousands of rounds of ammunition, and as they would plow through them they would mow down men by the hundreds, and when he would reach his base, he would have to remove legs and arms from his car wheels and his radiator would be full of blood as well as the entire car spattered with it.

He says one might as well be a car driver as a soldier on foot for they were all in the man killing business and often times stood face to face until one of the other was killed. He said he did not care what became of him so it is in the spirit of war. The waive of patriotism that swept that country indelibly impressed every human heart and mind to fight until the war is ended, or until the price of his life was paid in.

Henry Ford of Detroit, Michigan, with his companions of environment, not unlike his, has put efforts forth, without relaxation, to induce or compel the belligerent nations to end the war on or before Christmas day.

The human mind is indeed a marvelous thing. Or perhaps we should say the minds of these distinguished men of affairs, are so marvelous as to make that of a mere humble "spectator" quite clumsy by comparison. To him comes the odd thought that inasmuch as those who have suffered deep bereavement.

The aforementioned tender solicitude is profoundly touching, but it occurs to the spectator thereof, who is as already indicated for the memories of the dead, and in the opposite feelings of gloomier for the lives of the living. As has been said, the human mind is a marvelous thing.

The opposite is the attendant of any thing, right, left, up or down, east, west, right, wrong, so with all the doings of man.

The man most certain, can be the most uncertain.

The truly good, have and are doing mean things.

The wisest of us know things relatively.

"Universal Peace will fail, since our creation is by the creator whose uniformity is the greatest variety—no two things alike yet so much of the grass is alike that it admits of classification; man another example yet alike but distinguished in every action, form or other features. Peace means relative and its opposite is war and we have both all the time.

The fitness of things has made in man the principle of combativeness for protection, perversion is fighting except to protect ones self. As long as man differs in opinion so long will men believe they should fight, kill, burn and destroy.

Peace has her heroes, war has her graves.

So let our statesmen work for human betterment.